

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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ANDRE V. FLORES, JR., individually and on
behalf of all other persons similarly situated,

12 CV 1978 (NG) (VMS)

Plaintiff,

DEFENDANTS ANSWER
TO SECOND AMENDED
COMPLAINT

—against—

THE BAGEL STORE, INC.; ELI RODRIGUEZ;
SCOTT ROSSILLO; and SUSAN ROSSILLO;
jointly and severally,

Defendants.

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PLEASE TAKE NOTICE THAT Defendants THE BAGEL STORE (247 Bedford Ave., hereinafter “247”), THE BAGEL STORE (754 Metropolitan Ave.; hereinafter “Metropolitan”), SCOTT ROSSILLO and SUSAN ROSSILLO, by their undersigned attorney, hereby appear in this action and, upon information and belief, in answer to the SECOND AMENDED COMPLAINT, allege as follows:

1. Deny the allegations in Paragraph Nos. 1, 2,3,14, 16, 17, 18, 25, 26, 28, 29, 31, 32, 38, 41, 44, 46, 50, 52, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65,66, 67, 70, 74;
2. With respect to Paragraph 4, denies that the court has jurisdiction under Fair Labor Standards Act, 29 USC Section 216(b);
3. Denies knowledge or information sufficient to form a belief as to the allegations of Paragraph Nos. 7, 13, 35;
4. With respect to Paragraph 20, denies that Scott Rossillo exercised substantial control over the employees;

5. With respect to Paragraph 23, denies that Scott Rossillo hired all of the employees.

WHEREFORE, it is respectfully requested that the complaint be dismissed and that the court award such other and further relief as it deems just and proper.

Dated: May 15, 2017
New York, NY

Respectfully submitted,



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ATTORNEY FOR DEFENDANTS (The BAGEL
STORE "247" and "METROPOLITAN", SUSAN
ROSSILLO and SCOTT ROSSILLO)

To: BRANDON D. SHERR, ESQ.
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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF NEW YORK

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12 CV 1978 (NG) (VMS)

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CERTIFICATE OF SERVICE

I am an attorney admitted to practice in this Court and I affirm under penalties of
perjury as follows:

On May 15, 2017, I served a copy of

DEFENDANTS' ANSWER TO SECOND AMENDED COMPLAINT

by First Class mail to Plaintiff's attorney, addressed as follows:

BRANDON D. SHERR, ESQ.
Law Office of JUSTIN A. ZELLER, PC
277 Broadway, Suite 408
New York, N.Y. 10007-2036

Dated: May 16, 2017
New York, NY



MIRTA DEL RIO